

## THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

Simona Santoro<sup>1</sup>

### Summary

*This article presents the work of the Organization for Security and Co-operation in Europe (OSCE – formerly CSCE) which occurs outside the immediate orbit of the Churches but to which the Churches seek to relate (amongst other organizations).*

### 1. Introduction

At a recent meeting in Brussels, European Commissioner Olli Rehn mentioned how the 20<sup>th</sup> anniversary of the fall of the Iron Curtain and the 5th anniversary of the EU accession for ten new Member States make 2009 a good time to reflect on enlargement as one of the Union's most powerful policy tools.<sup>2</sup>

Indeed, the end of the Cold War represented an opportunity to change Europe's face by integrating into the EU newly democratic countries previously under one-party rule. Since the collapse of the Berlin wall, the EU has put into action a process of expansion and integration that led to the accession of ten new members in 2004 (Poland, Czech Republic, Slovakia, Hungary, Lithuania, Latvia, Estonia, Slovenia, Malta, and Cyprus) and two in 2007 (Bulgaria and Romania). New developments are on the horizon, with former Yugoslav counties like Croatia and the former Yugoslav Republic of Macedonia being candidate countries.

The process of unifying Europe is based on the acquisition on the part of newcomers to the EU of a functioning market economy, stable democratic institutions that can guarantee good governance, the rule of law, and respect of human and minority rights. These are the same principles which areas such as Eastern Europe and the Caucasus, more at the periphery, are committed to, in exchange for a privileged partnership with the Union through the European Neighbourhood Policy.

The new Europe emerging from these transformations is, however, only partially new. Its foundations rest as well on the work laid down by the Organization for Security and Co-operation in Europe (OSCE) since the beginning of the 1970s.

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<sup>1</sup> Dr. Simona Santoro is the Adviser on Freedom of Religion or Belief at the Office for Democratic Institutions and Human Rights (ODIHR). The views expressed in this article are hers, and do not necessarily reflect those of the ODIHR.

<sup>2</sup> Enlargement Newsletter, 23 February 2009, available at  
<[http://ec.europa.eu/enlargement/press\\_corner/newsletter/220209\\_en.htm#a2](http://ec.europa.eu/enlargement/press_corner/newsletter/220209_en.htm#a2)>

## 2. Human Rights in a Pan-European Perspective

Born as a forum for dialogue between East and West during the Cold War, the then Conference for Security and Co-operation in Europe (CSCE) brought together 35 states from the United States to the Soviet Union, from Iceland to Yugoslavia, to discuss how to enhance co-operation and prevent conflict.

What emerged was the Helsinki Final Act (1975), which defined the basis for stable and secure relations among the states participating in the Conference. Interestingly, the concept of security was not limited to military aspects, although these played an important role, but also included economic development and the respect of human rights. In OSCE language, these are referred to as the three *dimensions* of security – military, economic, and human – that are considered interdependent and indivisible. The Helsinki Final Act was seen by many as a revolutionary achievement as its adherents committed to found their relations on the notion that respect for human rights would bring peace and co-operation. By doing so they “transformed human rights from a marginal item on the pan-European political agenda into a subject of central importance to it.”<sup>3</sup> Remarkably, one of the main principles chosen to regulate relations among states was freedom of religion or belief.<sup>4</sup>

These tenets were further developed in the successive meetings that took place in Belgrade (1977-87), Madrid (1980-83) and Vienna (1986-1989). For example, in the Vienna Concluding Document (1989), participating states highlighted the importance of guaranteeing the effective exercise of human rights by *inter alia* making available the basic texts developed within the CSCE framework to their citizens, as well as to ensure effectively the right of the individual to know and act upon his rights and duties in this field, and to publish and make accessible all laws, regulations and procedures relating to human rights and fundamental freedoms.

With this process already in place, bridging into a post Cold War organization founded on human rights was a natural development. In November 1990, the CSCE participating states signed the Charter of Paris for a New Europe. In a euphoric preamble, they declared that a new era of democracy, peace and unity had come. They acknowledged that the principles of the Final Act would guide them towards an ambitious future, just as they had facilitated better relations in the past fifteen years.

The Charter of Paris provided a roadmap for the years to come. The direction was clear and guided by some basic principles, which include the following:

- building, consolidating and strengthening democracy as the only system of government;
- protecting and promoting human rights as the birthright of all human beings, ensuring as well effective remedies against any violations of these;
- upholding the principle of equal enjoyment of human rights without discrimination;
- respecting the identities of national minorities as part of universal human rights;
- combating racism and intolerance.

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<sup>3</sup> Louis Henkin, *Human Rights and 'Domestic Jurisdiction'*, quoted in T. Jeremy Gunn, *The Organization for Security and Co-operation in Europe and the Rights of Religion or Belief*, in Peter G. Danchin and Elizabeth A. Cole (Eds.), *Protecting the Human Rights of Religious Minorities in Eastern Europe*, Columbia University Press 2002.

<sup>4</sup> Principle VII of the Helsinki Final Act recognizes the right for an individual to “profess and practice, alone or in community with others, religion or belief within the dictates of his own conscience.” Throughout the Helsinki Process, this tenet evolved in a comprehensive set of commitments on freedom of religion or belief. The 1989 Vienna Concluding Document is considered as the “most impressive multilateral commitment for guaranteeing religious rights that had yet been adopted anywhere in the world”. See T. Jeremy Gunn, *op. cit.*

Another major step forward in the protection of human rights was made at the Moscow Meeting in October 1991, when states declared unequivocally that commitments taken within the sphere of the human dimension were not a matter of exclusive concern of the state concerned, but of legitimate interest to all participating states.<sup>5</sup>

The evolution of the CSCE continued in the following years, both on the normative and the institutional track. Commitments were expanded and institutions and field operations were established that provided an executive arm to the work done at the negotiating table. In 1995, the CSCE became the OSCE, i.e. an Organization. At present, the OSCE includes 56 states. It has a Secretariat, a Permanent Council of representatives of participating states that meet weekly, institutions such as the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative for the Freedom of the Media, as well as 19 Field Operations in Eastern and South-Eastern Europe, the Caucasus and Central Asia.

### **3. Why is the OSCE still relevant today?**

While being the largest regional security organization, the OSCE also represents a mechanism for human rights protection. Unlike other international organizations, this system is based on political commitments – as opposed to legally binding norms – undertaken by participating states since the Helsinki Final Act. The absence of court decisions and sanctions does not mean, however, that the respect of the commitments on the part of participating states does not come under scrutiny. The OSCE is based on a review mechanism that foresees ad hoc meetings and conferences as fora to discuss the implementation of commitments. These events bring together participating states and civil society on equal grounds.

According to some interpretations, the Helsinki Process played a role in the call for democratic reforms that brought about the collapse of the Soviet Union<sup>6</sup>, also through the emergence of a civil society that challenged the regimes in Central and Eastern Europe.<sup>7</sup> Since the beginning of the 1990s, the OSCE has also been very active in the fields of conflict prevention and resolution as well as of promotion of democracy. OSCE field operations in South Eastern Europe and support in election processes are just two examples of the OSCE's active engagement. Moreover, its consensus-based structure and inclusive approach have contributed to creating a common culture, an OSCE *acquis*, among participating States, diplomats, experts, NGOs and other stakeholders that has a tradition of transcending the political divides. This represents a solid basis for the path towards a new Europe that can complement and strengthen the EU efforts.

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<sup>5</sup> P. Terrence Hopmann, *The Helsinki Final Act after 30 Years: Addressing the Future of European and Global Security*, remarks delivered at Finlandia Hall, Helsinki, Finland, 1 August 2005 available at <[http://www.osce.org/documents/osce/2005/08/15944\\_en.pdf](http://www.osce.org/documents/osce/2005/08/15944_en.pdf)>

<sup>6</sup> Coit Blacker, *The Collapse of Soviet Power in Europe*, Foreign Affairs, Vol. 70, No. 1, 1990-91, pp. 88-102.

<sup>7</sup> Emanuel Adler, *Seeds of Peaceful Change: the OSCE's Security Community Building Model*, in Emanuel Adler and Michael Barnett, *Security Communities*, Cambridge University Press 1998.